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Mr. HASTINGS's Conduct to CHEYT SING,

A T B E N A R E S,

I N T H E

H O U S E O F C O M M O N S,

On the 13th of June, 1786.

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O P P O S I T E B U R L I N G T O N H O U S E, P I C C A D I L L Y.

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Tuesday, June 13, 1786.

CHARGES AGAINST WARREN HASTINGS, ESQ.

THE Order of the Day for going into a Committee on the Charges against Warren Hastings, Esq. having been read, the Speaker left the Chair, and Mr. St. Andrew St. John took his seat at the table.

MR. Fox then rose and began with observing, that as something like censure had been cast on his Right Hon. friend, when the Committee were last assembled, for having introduced a considerable deal of preliminary matter, generally allusive to the subject of the several charges not then under immediate consideration, but in his mind extremely pertinent and extremely essential, and as he was perfectly convinced that if censure could be at all deservedly imputed to his Right Honourable friend on such an account, it might with much more foundation and propriety be imputed to him, were he to attempt to take up the time of the Committee with again going into the discussion of any topics not immediately connected with the subject, to which he meant that day to call their attention; he therefore would make no preliminary observations whatever, but would proceed directly to the matter upon which he meant to found the motion he should have the honour to offer to the Committee, viz. to the third charge, that relative to the conduct of Mr. Hastings respecting Benares. The Committee, he trusted, as well from the preliminary remarks and arguments of his Right Honourable friend, as from what had passed within those walls, were so far familiar with the subject of all the charges, that he should find it no very difficult task to make them perfectly masters of the facts to which he meant to draw their attention. He would begin, he said, with the year 1770, in which Bulwant Sing, the Prince or Zemindar of the province of Benares, died, and the Presidency at Calcutta interfered, through the medium of

Mr. Fox,

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Captain Harper, to procure a confirmation of the succession to his son, Cheyt Sing, and an agreement was entered into between that Rajah and the Vizier Nabob of Oude, of whom he purchased, for valuable considerations, his right and inheritance in his Zemindary, or by whatever other name it might be called. When Mr. Hastings came over as President of the Supreme Council of Calcutta, he found Cheyt Sing in possession, and in 1773, in the month of October, he was, by a sunnud granted to him by Sujah Dowlah, obtained by the instance of Mr. Hastings, acknowledged Zemindar of the Province. In 1774, the Governor General and Council appointed by act of Parliament, obtained the sovereignty paramount of the Government of the Province of Benares; and, to obviate any misconstruction of the treaty with regard to the tenure of the Rajah of Benares, Mr. Hastings himself proposed at the Board, that whatever provision might in the said treaty be made for the interest of the Company, the same should be

“ without an encroachment on the rights of the Rajah, or
 “ the engagements actually subsisting with him ” On the transfer of the sovereignty, Mr. Hastings proposed a new grant to be conveyed in new instruments to the Rajah Cheyt Sing, conferring upon him further privileges, viz. the addition of the sovereign rights of the mint, and of the right of criminal justice of life and death, Mr. Hastings proposing the resolution for that purpose in Council, in which were these words, “ That
 “ the perpetual and *independent* possession of the Zemindary of
 “ Benares, and its dependencies, be *confirmed* and guaranteed
 “ to the Rajah Cheyt Sing and his heirs for ever, subject *only*
 “ to the annual payment of the revenue hitherto paid to the
 “ late Vizier, &c. That no other demand be made on him,
 “ either by the Nabob of Oude, or this Government.” Mr. Fox reasoned upon this minute or resolution to prove that it clearly established the independency of Cheyt Sing, and shewed that it was the aim of Mr. Hastings to make him independent. He also read farther, in confirmation of this,

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the following article of the treaty proposed by Mr. Hastings on the 5th of July 1775 ; “ That whilst the Rajah shall continue faithful to these engagements, and punctual in his payments, and shall pay due obedience to the authority of this Government, *no more* demands shall be made upon him of ANY KIND ; or, on any pretence whatsoever, shall any person be allowed to interfere with his authority, or to disturb the peace of his country : ” which article was by the other Members of the Council assented to. Mr. Fox begged, therefore, that the Committee would carry in their mind, that Cheyt Sing had been declared independent on the particular instance of Mr. Hastings ; that it was expressly stipulated, that no more demands should be made upon him besides his annual tribute ; and that the stipulation might be the more clear and intelligible, the words of *any kind* had been added. And yet, shortly after the deaths of Sir John Clavering and Mr. Monson, Mr. Hastings, without any previous general communication with the Board by a minute of consultation, made an extraordinary demand on the Rajah of five lacks of rupees. The exorbitancy of this demand, and its incompatibleness with the stipulated terms of the Rajah’s being declared independent in 1774, Mr. Fox dwelt on for some time. He asked how were the words *no more demands of any kind* to be interpreted ? And by what principle of construction was the meaning of the stipulation to be made to bear out this ? The demand however was made, and the Rajah murmured at it, and begged he might be permitted to pay it by instalments and with his quarterly payments ; but Mr. Hastings peremptorily insisted on its being paid by a certain day, when it was accordingly paid, though on the express condition that the exaction should continue but for one year, and should not be drawn into precedent. Notwithstanding this, the same demand was repeated a second year, and, after some fruitless murmuring and complaint on the part of the Rajah, paid. A third year a like demand was made, and in

like manner satisfied. Mr. Fox explained the various extraordinary circumstances of vexation and despotism under which these several demands were made; such as a threat, at one time, to march the English Company's forces into the province of Benares to compel payment, &c. &c. He also stated Mr. Hastings's Defence of himself against these facts, and argued upon both the Charge and the Defence collectively and comparatively. He next spoke of the requisition for all the cavalry Cheyt Sing could spare; and observed that General Clavering had by a minute recommended it to the Rajah to keep up two thousand: from whence he inferred that Cheyt Sing was left at his discretion to keep up as many as he chose, and to send that number only which he could spare. Mr. Hastings, however, afterwards demanded, through his agent, Mr. Markham, two thousand, afterwards fifteen hundred, and after that he lowered the requisition to one thousand; but Cheyt Sing sent word he had but thirteen hundred, and offered only five hundred, declaring that he could spare no more, but at the same time substituted in lieu of the remainder five hundred matchlock men. Upon this Mr. Fox remarked, that Mr. Hastings says, in his Defence, *My patience was exhausted by such repeated acts of contumacy*—an expression the absurdity of which he proceeded to endeavour to exemplify by recapitulating the facts to which it applied. Mr. Hastings, after stipulating that no more demand of any kind than the annual tribute should be made upon the Rajah, demanded first five lacks of rupees, which were paid, but with some murmuring; he next demands five lacks more, which are also paid, though with some murmuring; he again demands a third five lacks, and again payment is made. He then calls for two thousand cavalry. Cheyt Sing sends him word he had but thirteen hundred, and those distributed through his territories; that he can spare no more than five hundred, which he shall have. Would ever mortal have construed such conduct as this into contumacy, but Mr. Hastings? who says, "his patience was exhausted by

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“such repeated acts of contumacy,” and adds, “that he determined to convert them into an advantage for the Company’s affairs.” Upon this monstrous determination, he reasoned with great warmth and energy, appealing to the Committee whether they ever before heard of such an idea as punishing men, not for the great end of all punishment, example, but—in order to convert it into an advantage for his employers! Mr. Fox put this in various strong points of view, and, having here impressed the several facts he had stated very forcibly on the minds of the Committee, proceeded to mention Mr. Hastings’s determination to levy a fine of forty or fifty lacks of rupees upon Cheyt Sing for the imputed contumacy, and his journey to Benares for that purpose. He spoke of his conduct on his arrival in terms of severe reprobation, declaring that his language and conduct to the Rajah was rude and insolent in the extreme. Soon after his arrival he caused Cheyt Sing to be put under an arrest in his own palace, an instance of unparalleled indignity; for what would be thought of any tributary Prince in Europe being arrested in his palace by the order of the Sovereign Paramount? Would not his authority be lost for ever? This whole proceeding provoked Mr. Fox’s execration: he condemned and denied the right of Mr. Hastings to levy and fine, and contended that there was no ground for such an unwarrantable stretch of power, since the conditions of the stipulation had been all complied with, the Rajah having continued faithful in his engagements and punctual in his payments, and having paid due obedience to the authority of the British Government. He ridiculed the three rights to *fine* the subordinate Princes that Mr. Hastings had, in his Defence, laid claim to. The first of these was, he said, the right derived from Sujah al Dowlah, of fining in case the mint was abused; the second was that of imposing a fine for investing upon every new possession of the Zemindary. This, Mr. Fox observed, was a miserable cavil, and a gross perversion of the word *fine*,
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since nothing was more distinct and different than the meaning of it in the two senses here mentioned; and the third right was, he declared, still more extraordinary. In 1764, Bulwant Sing, father of Cheyt Sing, departed from his loyalty, and joined Meer Jaffier and the English against Sujah al Dowlah; when the latter, as Mr. Hastings stated in his Defence, *would probably have* fined him, had not the English protected him and prevented it. Mr. Fox diverted himself for some time with the idea of what Sujah al Dowlah *would probably have done*, had not the English prevented him. He pressed also upon the Committee the declaration of Mr. Hastings, that, according to the institutes of Jengheez Khawn or Tamerlane, the subject's rights are nothing, while the Sovereign's power is every thing; and urged the injustice of such a despotic maxim with great energy. He next took notice of the inordinate vanity and presumption of Mr. Hastings in saying, that if Cheyt Sing was a great Prince, he as his Sovereign was a great King. In order to shew the absurdity of this, he put the case thus: suppose that the Emperor of Germany were to send an Ambassador to the Elector of Hanover or the Elector of Brandenburg, and he were to tell either of them, "If you are a great Elector, I am a great Emperor." Having pushed the ridicule to some extent, he returned to his narrative of what had happened at Benares, and stated all the facts of the ill treatment of the Rajah, subsequent to his having been put under an arrest, to the massacre of the British and the escape of Cheyt Sing.

Mr. Fox, after having gone through the whole of the facts, proceeded to take notice of the fourth and fifth articles of the charge, which he said he should speak to shortly, considering them rather as matters of aggravation superadded to the treatment of Cheyt Sing, than as charges of much importance themselves. He then stated all the circumstances that took place at the Castle of Bidgigur, and of the inducements to plunder held out by Mr. Hastings to the soldiery, descanting on the

mischievous

mischievous consequences of such a practice; a doctrine for which he declared he had the authority of Mr. Hastings himself, who some years before had written a declaration that "the very idea of prize money suggested to his remembrance the former disorders which arose in their army from that source, and had almost proved fatal to it. Of this circumstance you must be sufficiently apprized, and of the necessity for discouraging every expectation of this kind amongst the troops; *it is to be avoided like poison,*" &c. &c. Having thus proved how very contradictorily Mr. Hastings had behaved in that respect, he mentioned the strange sort of affidavits and depositions that were made for the purpose of imputing suspicions of disloyalty and designs to rebel to Cheyt Sing. One of these, from a person deeply interested in the ruin of the Rajah, he read, to shew the House that almost all the allegations it contained were on hearsay evidence only. He ultimately came to the fourth and fifth articles, and stated the appointment of Derbege Sing to act as Representative of the abdicated Rajah, and his being soon afterwards deprived of his office, and thrown into prison, and the administration of affairs given to Jagher Deo Seo, who levied and collected the Revenue with extraordinary severity, to the great oppression of the natives. He also read the celebrated letter to the Council at Calcutta, from Mr. Hastings at Lucknow, which was deemed so disgraceful to the British Government; and he appealed to the common sense of the Committee, if it was to be wondered at, that Jagher Deo Seo should be rigorous in his collection of the revenue, when it was considered what an example Mr. Hastings had held out to him. After having circumstantially gone through the whole, and applied a great deal of reasoning as he proceeded, in order to elucidate and enforce the criminality of the facts, he at length appealed to the honour and justice of the House to decide by their vote of that evening, whether they chose to be considered as the *avengers* of those oppressed by Mr. Hastings, or his *accomplices*? There was, he declared, no alternative.

They must either appear as the one or as the other. He recollected the language that had been held in 1782, when that code of laws the Resolutions were voted, and when it had been well said, by an Honourable and learned Gentleman opposite to him, that Mr. Hastings scarcely ever left the walls of Calcutta, but his steps were followed with the deposition of some Prince, the desertion of some ally, or the depopulation of some country. How oddly then must have sounded in his ears the arguments in justification of the Rohilla war, that had lately come from the bench on which the learned Gentleman sat!—arguments that appeared to him to be the voice of the Directors and Proprietors of old defending those servants who had disobeyed their orders, and disgraced the British character by their rapine and injustice, but had taken care to make the Company sharers in the spoil, by remitting home the produce of their plunder in investments so as to ensure a good dividend to the Proprietors. There had been, he acknowledged, something like a colour for the vote the Committee had come to respecting the Rohilla war; the extreme distance of the time at which it happened, the little information the House had of it till of late, the alledged important services of Mr. Hastings since, (though he maintained that they were neither meritorious nor services,) and other causes and justifications; but there were none such to be urged against voting on the present occasion; the facts were all of them undeniable, and they were atrocious, and they were important, so much so, that upon the vote of that night would, in his mind, the fate of Bengal depend. Happy was it for them that they could plead ignorance of East India affairs for so long a period. It was the best salvo for their honours, and could be advanced with confidence as an argument, that the individual servants of the Company alone had been guilty of all the enormities that had disgraced and disgusted Indostan; but that they had neither participated in the guilt, nor approved of the principle upon which it had been carried on. The facts had now been brought before them,

them, and that in so able, so clear, comprehensive and intelligible a point of view, that they had no longer their former plea to fly to for an excuse. They must do something, and they might rejoice that the happy hour was arrived when they might make the distinction manifest to all the world, between the enormities committed by individuals and the sense of a British House of Commons, as to the system under which those enormities have been committed. From their vote that night, France and all Europe would learn what the system of government was that they chose to be carried on in India, and it would be proved whether they determined, upon sufficient proof of this guilt, to reprobate oppression and punish the oppressor. He never would be the advocate of despotism, but he had, he said, often heard it argued, that the happiness of a people was secure, where the despot's mind was virtuous; he never had heard it contended that the most despotic had a right to use his power for the misery of those under him, and not for their happiness. He thanked his Right Honourable friend, therefore, for having brought the charges forward; in one shape or other they must have been subjected to discussion; and let the House in general decide as they thought proper, what had passed would prove that there were Englishmen who did not avow those principles which had originated in the corrupt heart of a most corrupt individual; but that they set their faces against them, and execrated the conduct, which had been marked with the most gross oppression, inhumanity, and injustice. Nor was it in his mind, Mr. Fox said, enough that the House should content itself with the punishment of an oppressor; it ought also to make atonement to the oppressed: he heartily wished, therefore, that all that had been taken from individuals could be restored; but as that necessarily could not be proceeded upon just at present, he should, till an opportunity offered, content himself with singling out an offender for justice. Mr. Fox emphatically repeated, that they must appear either as the avengers of the oppressed, or the accomplices of their oppressor; he hoped they would

would not confess themselves the accomplices of Mr. Hastings, but would assume the nobler character. He added an infinite number of warm appeals to the feelings of the Committee, and, before he sat down, moved, " That the Committee were of
 " opinion, that, having examined the third charge, and heard
 " evidence thereupon, there was matter of impeachment against
 " Warren Hastings, Esq. contained it it."

Mr. Francis *Mr. Francis* rose to second the motion. He began by pointing out to the Committee, that Mr. Hastings, in the very beginning of his Defence upon that article, had endeavoured to shift the blame from himself, and to cast it altogether upon him, as the only survivor of his opponents in council. In order to clear himself from this imputation, he begged the attention of the Committee for a few minutes, not doubting but that he should be able to exculpate himself to their satisfaction, though it was to be remembered, that the proving him to be criminal would not acquit Mr. Hastings. Having said this, Mr. Francis proceeded to prove, by reference to a variety of minutes, that he had uniformly opposed the making any such demand upon Cheyt Sing as had been made, from a disbelief that the right to make it existed under the particular circumstances of the case. Mr. Francis read several different papers in support of his argument, and quoted the solemn invocation made by Mr. Hastings to the God of Truth, in the exordium of his narrative of the affair of Cheyt Sing, accompanied with a declaration that he had conscientiously stated every transaction. After such an appeal, Mr. Francis said, he would not impute a wilful intention to omit any thing to Mr. Hastings; indeed how could he, as he could not look into his heart? But he could assure the House, that Mr. Hastings had omitted to state, that he received a present of two lacks of rupees, (or 20,000l.) from Cheyt Sing, even while the demands of aids were in agitation; so that when he was claiming money for the Company, he was compounding with the Rajah for himself.

Mr. Nicholls *Mr. Nicholls* said, that being bound in conscience to acquit
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or condemn Mr. Hastings, according as he appeared from the evidence innocent or guilty of the charge, he had no hesitation to pronounce him innocent, unless Cheyt Sing could be proved to be an independent Sovereign Prince. He should not attempt to address himself to the passions of people, that he might shew he was no advocate, but he would speak to the common sense and reason of the House. In the first place, he lamented the situation of Mr. Hastings, in being obliged to stand the butt of a British tribunal enquiring into his conduct as an Asiatic Governor; for the sentiments of an Englishman were not likely to put the most favourable construction on actions which his situation rendered him absolutely incapable of judging upon correctly. He went very fully into the question of the connection between the Rajah Cheyt Sing and the Company, proving, that if he were a Zemindar or tributary to the Company, that then they had a right to call upon him for aid in cases of emergency, and to fine, or otherwise punish him in case of refusal. That it would be the highest degree of absurdity to suppose that such a power as this did not exist in a sovereign whose revenues were almost wholly drawn from the land, which was the care of all the provinces of India, except lately that custom and excise duties had been introduced into Bengal; because that would be laying it down as a principle that the revenues could not, on any account, be encreased on a sudden emergency, the consequence of which must be, that the empire would necessarily sink under the first shock; having no resource for a war establishment, she could not procure the means of her own protection. If he was a tributary Prince, and subject to the kingdom of Bengal, then any expression of a backwardness to comply with the order of his masters ought to be punished in a very severe and summary way; for an arbitrary government, like that of Bengal, could not suffer any resistance to its authority without incurring great danger: such a government was always weak, and could only be supported on the

the reputation of its power, which would be effectually destroyed by suffering any resistance to be made to it with impunity. To illustrate this, he drew a parallel between the European, and chiefly the British, and the Oriental constitutions; in the former, the Government was strong, and could indulge its subjects in the liberties of opposing its measures, which the latter could not with safety do. This he instanced from the case of that House admitting to the bar counsel and evidence against a bill depending, which if the sovereign of an arbitrary country should do, he would soon lose his authority. As for the conduct of Mr. Hastings in Benares, if it had been as blameable as the Gentlemen over the way had stated it, why did they not prove it to be so by the evidence of Mr. Markham, whom they might have examined when at the bar, and who was privy to every transaction there, having been Resident at Benares during the whole of the time. Their having omitted to examine evidence, that would have been able to have proved their case if it had been true, was, in point of law, sufficient ground for an assumption that it was false. Were the House, he asked, prepared to say that the Zemindars were not bound to answer the extraordinary demands of the public defence? Was the noble Lord in the blue ribband prepared to say so? Why then did he not, when he first had an account of Mr. Hastings having made the demand, immediately put a stop to it? It would, he said, be more fair to impeach the noble Lord, than to impeach Mr. Hastings, though he wished not to impeach either, being convinced that both had done their duty, and acted properly. He cautioned the House how they established a doctrine so pregnant with mischievous consequences as that would be which established the exemption of the Zemindars from extraordinary contributions on extraordinary occasions, a doctrine by which the whole kingdom of Bengal and all its dependencies would be endangered.

Mr. Pitt.

The *Chancellor of the Exchequer* said that he had given the strictest attention in his power to every thing that had fallen in

in the course of the debate, not only because he looked upon the subject as one of the utmost importance, from its involving in a great degree both the honour and dignity of the British House of Commons, and also the general cause of justice and humanity, but because he had heard from all parts of the House, as well from the Right Honourable Gentleman who had made the motion, and the Honourable Gentleman who had seconded it, as from the Honourable and learned Gentleman who had opposed it, many arguments and doctrines to which he could not subscribe, and from which he found himself indispensably bound to express his dissent. He could not but lament, he said, that his duty peremptorily prevented him from doing what his inclination would otherwise lead him to, which was to absent himself intirely from the whole of the proceedings on the present occasion; for he felt the greatest difficulty and uneasiness in being obliged to determine, on judicial questions, the merits which were so closely connected with Indian principles and habits, and that under the insurmountable impression of sentiments and feelings imbibed and matured under the British constitution. In proportion, however, to this difficulty, had been his endeavours to make himself perfect master of the whole of the case; and although, from his other avocations, he was, perhaps, less at liberty to dedicate a considerable portion of his time to the study of it than most other Gentlemen in that House, yet he could venture to say, that he had, by a most laborious investigation, been able to form such a final and settled opinion concerning it, as had completely satisfied him of the vote which, in conscience, he was bound to give.—He should, he said, state to the Committee, in as plain and concise a manner as he possibly could, the whole of the premises that operated on his mind in forming his conclusion, and this he should do without any restraint from the apprehension that his arguments might be used or perverted to a different result than what he intended; for he thought, if there was any one subject on which a member of that House was bound to use less disguise,

disguise, and to speak out more plainly than on another, it was on such a subject as that then under discussion—where there ought to be no object in view but the honour of Parliament, and the ends of substantial justice, as necessarily and inseparably connected in the question. He should, therefore, take care to avoid entering into the business with that sort of temper and spirit which some Gentlemen seemed to be influenced by, and should particularly guard against any impression similar to that which the Right Honourable Gentleman had been so desirous of making on the House, in a manner which he thought, of all others, the most unfair and most inconsistent with every principle of law and justice—by torturing the words and arguments of a man standing on his defence, and drawing from them inferences of motives and of principles calculated to fix upon him in many instances a degree of guilt which even the charges themselves did not impute. He should not suffer such means to bias him in voting a censure, where he did not think censure was merited—nor should he suffer his indignation at such unjustifiable conduct so far to get the better of him, as to make him refuse such a vote, where he thought he was in conscience bound to give it. He said he should first begin by stating to the House his general opinion as to the situation of the Zemindars of India, and the degree of subjection under which they lay with respect to their superior lords. He had, he said, made every research in his power into this part of the subject, and as far as it was possible to ascertain here in England a question of Indian politics, liable even there to great uncertainty and variety of interpretation, he hoped he had been successful. With uncommon precision, and great political and historical accuracy, he went into the general doctrine of subordinate principalities, pointing out the nature and extent of their subjection to the superior state, and the necessary dependence they must in all cases be liable to. It had, he said, been a subject of many different opinions what was the true tenure under which the Zemindars of the empire of Indostan

Indostan held their possessions. Some had supposed them the real proprietors of the soil, while others looked upon them as mere trustees for the superior lord, and intitled to no part of the produce or value of the lands, except such as were allotted to them for their subsistence. Some had held them to be possessed of only a life estate, and to be the mere channels or vehicles of the revenue; whilst others contended that their interest was hereditary. It was, however, of very little consequence to the conclusion he meant to draw, what was the express nature of their tenure; it was enough for him that it must, in the nature of things, and from a number of special circumstances, be liable to demands for certain extraordinary aids in case of extraordinary emergencies. It was, he said, impossible to suppose the existence of any state which had no provision made for extraordinary resources in cases of extraordinary dangers—the most common, because the most obvious mode of procuring this extraordinary resource, had, in the earliest periods of the feudal institutions, been by calling on the several vassals of the state for their personal service in arms. This right was a fundamental maxim in every Government, and one to which no individual could possibly object, because it was by the joint power of the whole aggregate body alone that the person and property of the individual could be protected; and it would be a treason against itself, in any state, to exclude a principle so obviously necessary to its very existence. Those personal services of the tenants of lands became, in time, almost universally commutable for money, which was found better to answer the exigencies of Government and the convenience of individuals; from hence the principle that had formerly applied to the persons, extended to the property of the people, and each was held bound to contribute in proportion to the benefits he derived from his political capacity, as a member of a regular community, that is, in the proportion to the possessions which he held under it. He instanced this most forcibly from the policy of the original feudal institutions of Europe,

Europe, and particularly of England, in the case of sudden danger, when, over and above the stated rents and services reserved to the Crown, there was a right to call upon the tenants for particular and extraordinary service, either of a personal or pecuniary nature—and from such demands even the Counties Palatine were not exempted, although the proprietors had the exercise of every species of internal jurisdiction within them, in as ample a manner as any of the Indian Zemindars. —He then applied his argument more particularly to the empire of Indostan, where, he said, the same policy had been adopted and practised; and to prove that it was so, he gave several examples from the recent history of that country, and particularly that of Cossim Ally Khan, who, as was stated in one of the charges, had received, in presents from his several vassals, above one million and a half of money for the purpose of supporting the expence of his military operations: these presents he shewed were, as nearly as possible, similar to the benevolences formerly known in the politics of this country, which benevolences were literally the commutations of the military vassals for their personal services. Even this very Cheyt Sing had been made to contribute to his former lord Sujah Dowlah a considerable assistance both in men and money towards the Rohilla expedition. If he were to recur to the written laws of the Indian legislators, he should find himself at a loss from want of sufficient acquaintance on the subject; but as far as he was informed he could quote the laws of one of the most celebrated of the Monarchs of Indostan, the Emperor Acbar, who, in his grants to his Zemindars, although he gave them great indulgencies, and expressly exempted them from the payment of any subsidies beyond their stated rents, yet his arrangement was evidently calculated with a view to securing a military force by the personal service of those very Zemindars and their subjects, in case of any national and public necessity. After going over the whole of this ground with great ability, and taking as comprehensive a view of the general system

system of feudal government as we ever remember to have met with, tho' with great conciseness and perspicuity, he concluded with avowing it to be his firm conviction, that the Zemindars of India are bound on all occasions of great emergency to contribute in a proportion suitable to their own ability and the exigency of the public.

The next question then to be considered was, he said, whether any particular stipulations had been made in favour of Cheyt Sing, that should exempt him from the general duty that was incumbent on all the other tributaries to the Indian Sovereigns. The method he should take in pursuing this enquiry should be by recurring to the original acquisition of the Zemindary by Bulwant Sing, the father of Cheyt Sing, which was by the appointment of Sujah Dowlah, Nabob of Oude, and Vizier of the empire.—Under this appointment there had been an annual rent reserved to the Nabob; but, besides this annual rent, extraordinary aids had been furnished to him as Lord Paramount on extraordinary occasions. On the death of Bulwant Sing, his son Cheyt Sing was, by the mediation of the Company, admitted to the succession, with an addition, however, of two lacks of rupees to his annual tribute, and a fine of several lacks paid at the time. Afterwards the sovereignty of Benares was surrendered to the Company, who, by such surrender, became possessed of every right the Nabob hitherto enjoyed in the country, and every degree of authority he had possessed over the Zemindars. Among those rights and authorities was that of recalling in cases of emergency for assistance over and above the amount of the stipulated and regular annual payments, which assistance was either to be in money or military force; for it was not at present necessary for him to make any distinction between the two, as he should shew, before he sat down, that the distinction would be unnecessary to the question. This right had already been exercised and acquiesced in, and was indisputably transferred among the rest to the Company.—It was contended by the Right Ho-

nourable Gentleman, that, in the several patents or grants by which the Zemindary was conveyed to Cheyt Sing by the Company, and by which he was invested with the several royalties of a mint and the right of criminal jurisdiction, there was a complete renunciation of every claim whatsoever upon him in future for any thing whatsoever, except his stipulated and specified rent. In order to make this appear, the Right Honourable Gentleman had quoted the words of several of the proposals made by the Members of the Council of Bengal, concerning the investiture and establishment of Cheyt Sing in the office of Zemindar. The Right Honourable Gentleman had there found, in more than one place, the word *independent*—which he had made a great use of, for the purpose of proving that the Rajah Cheyt Sing was, in fact, completely and totally independent. But this word, which he had so used, could not in justice, nor ought it to be applied to the situation into which Cheyt Sing had been put by the Company. The word *independent* had been used by the Governor and Council in several different meanings, and the meaning in which it had been used by Mr. Hastings was one which was never carried into effect. Mr. Hastings had given three different opinions on so many different occasions in matters relating to the province of Benares. He had, on the death of Sujah Dowlah, proposed to the Council to renew the alliance that had subsisted between that monarch and the Company with Asoph al Dowlah, his successor; or, rather, had given it as his opinion, that the ancient treaty still subsisted in force as to the son, as it had done with respect to the father. In this he was over-ruled, and the opinion of Mr. Francis prevailed against him. His opinion was, that the obligation of the treaty with Sujah Dowlah had determined by his death, and that the Company ought not to renew their alliance with the Court of Oude, except for a consideration to be made by the new Nabob. This consideration being determined by the Council to be the Sovereignty of Benares, and being agreed upon by the Nabob, Mr. Hastings

Hastings proposed that it would be advisable to resign to the Zemindar himself the intire and complete sovereignty, and to render him wholly and absolutely *independent*: that is, to change his situation from that of a Zemindar or tributary, and give him a perfect, unqualified, and uncontrouled authority. In this the opposition of Mr. Francis was also successful, and it was determined on his suggestion, that the Rajah Cheyt Sing should still be kept in a state of vassalage, or, as he expressed it, of dependance, under the Company. What then was the purport of the instrument by which the Zemindary was confirmed by the Company to Cheyt Sing—it was, “that he should hold “it as an hereditary possession, paying only a certain stipulated annual sum out of the revenues for the use of the Company;” that is, that the annual and stated payments should never be raised, as had been done by the Nabob on his accession after the death of his father, and that no fine should be exacted from his successor, as had been exacted from him on his coming into possession. There was in the whole of the instruments no renunciation in express terms of that which was too essential and indispensable a right of Sovereignty to be construed away by implication, or to be defeated by any thing short of the most full and explicit renunciation—the right of demanding aid in war or any such great emergency; but, on the contrary, this very right was in a great measure recognized by the terms of the grant; for it expressly grants the country to the Zemindar, on the condition, that, if he yields a fit obedience to the authority of the Company as his superiors and Sovereigns, then he shall hold the territory for the annual sum mentioned in the deed. What was the construction to be put on the words “obedience to the authority of his Sovereign?” The Right Honourable Gentleman had, with an ingenuity that did him less honour in a judicial proceeding than it would do on any other occasion, endeavoured to confound the understandings of Gentlemen by a play and cavil on words; he had represented the expression of Mr. Hastings as contradictory and

absurd, inasmuch as it was a declaration, “ that, provided the
 “ Zemindar should pay to the Council such sums of money as
 “ should be demanded from him over and above his stated an-
 “ nual tribute, then they would demand no money from him
 “ whatever.” The absurdity of such a proposition was self-
 evident; but it was not more absurd than a construction which
 might just as easily be put on the terms of the deed or patent of
 confirmation to Cheyt Sing, which might as easily be rendered
 thus: “ As long as you continue to yield due obedience to our
 “ authority, we promise to exercise no authority over you
 “ whatsoever.”—That the Honourable Gentleman opposite to
 him, who had seconded the motion, was not averse to the idea
 and practice of exacting from the Zemindars and Aumils ex-
 traordinary aids on extraordinary emergencies, notwithstanding
 express stipulations for certain regular and definite annual pay-
 ments, was obvious from his own proposal as recorded on the
 journals of the Council, in which he recommends to put all
 the dependencies of Bengal on a footing similar to that of Be-
 nares, apportioning a regular, constant, annual tribute to each,
 with an observation, “ that extraordinary demands may be
 “ supplied by temporary expedients; but that if such ex-
 “ traordinary supplies were to be added to the established
 “ *jummar*, or annual tribute, then they would become a
 “ part of the established revenue, and so be exacted in
 “ times of peace and safety, as well as in those of war and
 “ danger.” These words, he said, were sufficient to explain
 to the House what was the real situation of Cheyt Sing, which
 he had no hesitation to declare was this—that he was insured
 from any increase of his *jummar*, or annual tribute; but was
 liable, according to his ability, to demands for the service of
 the Company, his Sovereigns, on any pressing emergency.—
 Mr. Pitt said, that the Gentlemen on the other side of the
 House would not, he was confident, dispute the authorities from
 whence he had read his several quotations, since they were in
 fact

fact the observations of the Court of Directors, drawn up in the month of October, 1783, for the express purpose of shewing that their censures upon Mr. Hastings for his conduct towards Cheyt Sing were justly founded. He, however, differed totally in opinion from them, and declared that the documents, on which they rested for the condemnation of Mr. Hastings, fully acquitted him from the charge of having entered into any engagements with Cheyt Sing, which precluded him from exercising that right, which, as Mr. Hastings very justly observed, was inherent in every government—the right of calling upon its subjects for extraordinary aids in times of extraordinary emergencies. In this part of his speech the Right Honourable Gentleman was pointedly severe upon Mr. Fox and Mr. Francis, and very successfully exposed the unfair representation contained in the Directors observations.

The next object he should consider was, whether the situation of the affairs of the Company in India constituted an emergency sufficient to justify the exercise of that right of sovereignty which Mr. Hastings exercised in making the extraordinary demand on the Rajah? To this, he said, he should say but a few words, because the most determined adversaries of Mr. Hastings seemed industriously to impress the public with an idea of the magnitude of the danger with which the Eastern Government was threatened. They all represented, that, superadded to the war which at that time broke out with France, there were sufficient grounds for the most alarming apprehensions, from the animosities and resentments of the adjacent country powers. On this subject, there was one observation he could not but make, which he did not know how the Honourable Gentleman opposite to him could answer in such a manner as to vindicate either his feelings or his diligence on the present occasion.

The second part of the charge was entitled *Designs of Mr. Hastings to ruin the Rajah of Benares*, and it was stated in the charge, that, as soon as Mr. Hastings found himself in a ma-

jority at the Council, by the deaths of General Clavering and Colonel Monson, he suddenly made use of his power to enforce the demand of an extraordinary subsidy from Cheyt Sing, in order to furnish himself with the means of wreaking his vengeance on that prince.—He desired the House to pause for a moment, to consider the full force of the insinuation contained in these words.—Could there, he asked, be a more malignant charge brought against a man than that which he had just stated?—Was it not of such a nature, that every man who heard it must necessarily conclude, that it was the intention of the accuser to impress the minds of men with an opinion, that this act of Mr. Hastings was the effect of a wanton and deliberate malice, long bent on an act of cruelty and injustice, to which he gave vent on the very first opportunity?—He should not lay any stress on the circumstance of Mr. Hastings having been in possession of a majority in the Council from the death of Colonel Monson, which happened nearly two years before—all that would be necessary for him to remind the Committee of, as a complete antidote to every unfavourable impression which the unwarrantable acrimony of the charge might have given rise to, was, that two days before the resolution for exacting the five lacks of rupees from Cheyt Sing had been proposed in the Council, Mr. Hastings received an account of the breaking out of the French war; and with that firmness and decision which more peculiarly marked the character of Mr. Hastings, than of any other man now living perhaps, he proposed to his Council the various measures to be adopted for the security of our possessions in every part of India—He proposed making a very considerable addition to the army in Bengal, and that Sir Edward Vernon should be reinforced by two ships, to be fitted out in the river of Bengal, in order to give him a decided superiority over the national enemy on the coast of Coromandel—He naturally and wisely proposed, that a part of the additional expence with which such exertions would be attended, should be borne by the most wealthy of the Company's subjects.—To

have

have passed over such circumstances as these, so striking and so obvious, and to discover a motive so base and diabolical as that which he had imputed to Mr. Hastings, could only be accounted for on principles extremely injurious to the candour and integrity of the Honourable Gentleman, or else by supposing that the laborious and pertinacious attention which distinguished his conduct in every other part of this proceeding, was, in the present instance, more unfortunately for himself than for Mr. Hastings, somewhat off its guard.

A fourth consideration was, admitting the right for calling for extraordinary aids to meet extraordinary emergencies, and that, in which the Company stood, to have been such an emergency, (of which he was, for his own part, fully persuaded,) whether, in that case, the sum demanded from Cheyt Sing was greater than he could with ease and conscience have paid?—He should not take upon himself to say whether the Governor and Council had formed their calculation of the ability of the Rajah on proper information, but from the event it was evident, that the sum demanded from him was greatly within his power to have paid; for in the castle of Bidgigur were found, besides what possibly had been conveyed away privately, at least 23 lacks of rupees in specie, and jewels and other moveables to the value of a crore and a half of rupees, which was a million and a half of money. That the demand of a thousand or even fifteen hundred cavalry was not enormous, nor beyond the power of the Rajah to comply with, was evident from the circumstances that took place afterwards on the insurrection at Benares, whence it plainly appeared that Cheyt Sing had a force fully sufficient to enable him to spare the numbers demanded on behalf of his Sovereign and benefactors. If it were to be objected, that the only way in which a demand of extraordinary supplies could in justice be made on the Rajah, was in the shape of an aid in men, instead of money; for that the former in every point of view was just and proper, no man could pretend to deny; it then was a sufficient answer to the objection,

that the first proposal of Council related only to a military aid, namely, three battalions of sepoy, and that it was on the suggestion of Cheyt Sing's Vakeell, that the demand for money had been substituted in the place of men.

Thus, he said, he had fairly made it out, on grounds perfectly just and reasonable, that there was a right in the Council of Bengal to make a demand on Cheyt Sing for assistance and aid towards the defence of the Company's interests in Bengal, threatened as they were with a most dangerous combination of enemies, and also that the aid that was demanded was by no means extravagant when compared with the well-known ability of Cheyt Sing to pay it. He should therefore leave those points as proved and admitted, and come to the other circumstances that constituted the remainder, and, in his opinion, the best-founded parts of the charge. In the first place he found himself under a very disagreeable necessity of adapting in some degree his sentiments on the subject of government to the principles of Indian politics. Those principles were certainly not conformable to European ideas, but they were in a great measure the only ones on which an European could take upon himself to judge of the transactions and conduct of an East Indian Governor. They were the principles of arbitrary power and despotism. But though the constitution of our Eastern possessions was arbitrary and despotic, still it was the duty of every Administration in that country to conduct itself by the rules of justice and of liberty, as far as it was possible to reconcile them to the established Government. He did not care whether the laws of Tamerlane, or of any other Indian Emperor, had laid down such a doctrine—it was enforced by a higher authority, by the dictates of nature and of common sense. On this ground he could not acquit Mr. Hastings of the whole of the charge brought against him; for he felt in his conscience that he had pushed the exercise of that arbitrary discretion, which, from the nature of the Eastern Government, was intrusted to him, to a greater length

length than he was warranted to do by the necessity of that service—he was firmly persuaded, that Mr. Hastings had been influenced through the whole of his government by the warmest zeal for the interest of his employers—but that zeal, however commendable in itself, lost its merit when exerted in a manner repugnant to principles which ought not to give way to any motives of interest or policy whatsoever.—The Council of Bengal having made a demand which they had a right to make, and that demand having been contumaciously resisted, they were certainly justifiable in inflicting a punishment on the delinquent party; for to give the right of demanding without the power of punishing the refusal, would be absurd and nugatory in the extreme. But then it was their duty to apportion the punishment to the degree of guilt. This, he was sorry to say, Mr. Hastings, in his opinion, had not done. But the Honourable Gentleman, who had taken so active a part in the whole of those proceedings, was not himself entirely free from blame, for he had given his countenance to a considerable part of Mr. Hastings's improper conduct—he had admitted the principle, that, whether the demand had been just or not, it ought, having been once made, to be rigorously enforced as far as his authority would go: he had, by an acquiescence, encouraged Mr. Hastings to the rash steps he had taken in consequence of Cheyt Sing's obstinacy; for he had subjoined to the resolution, Mr. Hastings had entered on the books of consultation, to march into the country of Benares, his signature to the following words—"I acquiesce, although I hope there will be no necessity to put the threat into execution." And from his conduct then, and that which he pursued on the present occasion, it afforded some suspicion, that even at the time when he might have exerted himself to prevent many improper steps from having been taken, he sat by, with a secret satisfaction contemplating the errors of Mr. Hastings, as laying the foundation of future persecutions against him. The grounds

grounds of his opinion, that the conduct of Mr. Hastings, subsequent to the demand of the troops and money from Cheyt Sing, was censurable, were, that the fine he determined to levy was beyond all proportion exorbitant, unjust, and tyrannical; he should therefore, certainly, on the present charge, agree to the motion that had been made, not considering himself as being thereby committed to a final vote of impeachment, but only meaning to be understood, that if, upon the whole of the charges, it should be his opinion, that an impeachment ought to be preferred against him, that then this act of oppression was such as ought to be made one of the articles of that impeachment, being in his judgment a very high crime and misdemeanor. In this he meant to confine himself expressly to the exorbitancy of the fine, and not to the preceding conduct of Mr. Hastings, which was strictly justifiable in every part and highly meritorious; nor to the subsequent revolution of Benares, which was an event that under all the circumstances could not possibly have been avoided: for Cheyt Sing having reluctantly obeyed in one instance (the payment of the money) the orders of the Council, after making false and contumacious excuses—for certainly his pretence of inability was of that description—and having actually disobeyed the other part of their commands, the furnishing of a certain number of troops, the Governor was unquestionably at liberty to impose a fine upon him, and to march into his country in order to enforce it; and the Rajah not being acquainted from any overt act that the fine intended to be levied was exorbitant, (the only unjust circumstance in the transaction,) his taking up arms in order to escape from an arrest, to which he had subjected himself by his own fault, and exciting an insurrection among his men to massacre the British forces, and afterwards withdrawing himself and going into open rebellion, were actions that could not be excused by any considerations of that which he was not acquainted with—the exorbitancy of the fine.

fine. All these circumstances considered, his deposition of the Rajah was indispensably just and necessary, and did naturally follow from what had preceded it. As to his encouraging the troops to commit ravage and devastation, that he said could not have been the consequence of the letter to which it was imputed; for that letter was only calculated for the private perusal of the Council; and it was a well-known fact, and sufficiently substantiated by evidence, that he had taken every precaution, by issuing the necessary orders, to prevent any licentiousness of the soldiery that could be avoided, and that the cruelties that had been committed were only by a party of disobedient and mutinous followers of the camp.—As to the subsequent parts of the charge (the second and third revolutions of Benares), as well as those he had last touched upon, he should say but a few words, as they had not been much relied upon, except as matter of aggravation, not as direct charge. On the head of the last-mentioned article, the Right Honourable Gentleman had, he said, attempted to point out a contrast between the different parts of Mr. Hastings's conduct, in having first deposed Cheyt Sing for not paying a certain sum of money, and afterwards deposing Jagher Deo Seo for using rigorous modes of collection in order to enable himself to comply with similar demands. In both cases, he said, he was strictly right in his principle; for the Rajah deserved to be punished for not paying what he was able to pay, and what he ought in duty to pay—the manager for Mehipnarain was equally culpable in not making a proper collection of the revenue, but laying it on in a partial and unfair manner.

There was but one subject more on which he had any thing to say, for the present—that was the restoration of Cheyt Sing to his possessions. Whatever ought to be done in that case, it was now no proper time to take it into consideration; in the one case, by determining to restore him, it would create an unfair prejudice against a man accused; and in the other,
by

by determining to withhold his possessions, it might possibly have a tendency the contrary way, and carry with it an approbation of an act that was hereafter to be a subject of criminal enquiry—he should, therefore, for the present, decline giving any opinion whatever upon it.—Mr. Pitt's whole speech was distinguished by the soundest and clearest reasoning; and in the course of it he displayed the highest reverence for the laws of justice and humanity. He was uncommonly severe upon Mr. Francis throughout, making several pointed allusions to certain publications of that gentleman, and contrasting, comparing, and combining many apt quotations from thence with other parts of his writings or speeches, that seemed to have a striking effect upon the House.

Mr. Demp-
ster.

Mr. *Dempster* returned his thanks to Mr. Pitt for the clear, satisfactory, and able argument he had just delivered. There was but one point, Mr. Dempster said, in which he differed from the Right Honourable Gentleman, and that was in his conclusion, that there was matter of impeachment in the charge. He reasoned on the customs of the East compared to the customs of Europe, and said great allowance ought to be made for the extreme difference between the two. He urged many arguments in support of the meritorious services of Mr. Hastings, terming him the saviour of our possessions in Indostan, and declaring that France, last war, considered him to be of so much importance, that they rested all their hopes of success in India on the chance of his being recalled. Mr. Dempster dwelt upon the extreme disinterestedness of the late Governor General, who, he said, if he ought to be impeached for any thing, ought to be impeached for having been such a fool as to bring home so very little money.

Lord *Mulgrave* declared it gave him great pain to differ from his Right Honourable friend, but he could not agree with him that Mr. Hastings's having arrested Cheyt Sing was a matter deserving of impeachment. His Lordship reasoned on the duty of a Zemindar to comply with the requisition of the

the sovereign power for a contribution towards the exigencies of the state, and described Cheyt Sing as a very shuffling, evasive, bad man, whose conduct called for punishment. He mentioned the great wealth he possessed, and said he had secreted above a crore and a half of rupees. His Lordship spoke of the political expediency of taking their money from the tributary Princes, in order to prevent them from joining with the Company's enemies, and plotting against the Company's interests, in cases where this design was proved. His Lordship stated the proposed fine to be by no means an extravagant one, the nature of Cheyt Sing's offences and his circumstances considered.

Major Scott said, he would trouble the Committee with very few words; for after the complete and ample justification which the Right Honourable Gentleman (Mr. Pitt) had entered into of every part of Mr. Hastings's conduct, except as to the quantum of the fine he meant to impose upon Cheyt Sing, it would be presumption to waste the time of the Committee. The Right Honourable Gentleman had expressed no doubts of the disaffection of Cheyt Sing; but it might, perhaps, strike the House as remarkable, that stronger evidence of his rebellious conduct had not been produced at the bar. To this he would observe, that Mr. Hastings could have proved in the fullest manner Cheyt Sing's disaffection, and the absolute necessity there had been for punishing him severely for his contumacious conduct; yet such had been the pressure of public business, that the Major said he had not been able to obtain two hours for the examination of Colonel Popham. How then was it possible to call any other evidences? This he now said, to obviate any doubts that might remain upon the minds of the Members of the Committee. With respect to the Right Honourable Gentleman, he had allowed in the amplest manner every thing that Mr. Hastings himself could wish; and where he did condemn that gentleman, it was for an act that he avowed in the face of the world, and which he himself

himself only could have discovered.—He condemned him for an act which scarcely could be said to make a part of the charge, and for which, he was confident, Mr. Hastings, instead of censure, would receive applause, from every man, who from local experience, or a knowledge of the manners and customs of India, was enabled to form a true judgment of his conduct. The Right Honourable Gentleman had proved, that Mr. Hastings had an undoubted right to require military aid from Cheyt Sing, and that Cheyt Sing was criminal in having declined to give it as he ought to have done—but the Right Honourable Gentleman had concluded by saying, that he was not so far criminal as to justify Mr. Hastings in imposing so large a fine as 40 or 50 lacks upon him, and therefore Mr. Hastings was culpable. Upon this subject Major Scott said he would offer a few words. Mr. Hastings left Calcutta in July 1781, at a time when the very existence of the British Empire in India depended upon his exertions in Bengal. Sir Eyre Coote was then upon the coast of Coromandel, opposed to Hyder Ally; about fifty lacks of rupees had been sent to Madras between October 1780, and July 1781, and every grain of rice for our army, and every rupee for its disbursements, ten lacks a month, Sir Eyre Coote had informed Mr. Hastings, must come from Bengal. Added to this, we had the Mahratta war to support; a French fleet had appeared off Madras in February 1781, and returned much reinforced under Suffrein the next season. The conduct of Cheyt Sing, by the Right Honourable Gentleman's own account, was criminal; Mr. Hastings had received repeated intelligence of his disaffection, which formerly he had treated too slightly. But what was the crime of Mr. Hastings in the eye of the Right Honourable Gentleman? It was merely this, stating it in the strongest terms—that when our very existence as a nation, in India, depended upon his exertions, he, in 1781, formed a resolution in his own mind, subject to alteration however, that to relieve the distresses of the Company, and to preserve India to Great Britain, he would exact a large fine from a man, whom the

Right

Right Honourable Gentleman allowed was criminal, though Mr. Hastings's proposed punishment exceeded what he conceived to be the Rajah's offence—and in this excess of zeal in his country's service, without a suspicion of his being actuated by a corrupt or malicious motive, the Right Honourable Gentleman thought there was impeachable matter in the charge; and for this only, for he had most fully and completely exculpated him from every other part of it, he had declared he should vote for the question. The Major said he would not trouble the Committee further, but he could not suppress his astonishment, that that part, and that only, of Mr. Hastings's conduct which had most strongly evinced his zeal for the preservation of the empire committed to his charge, should have been selected by the Right Honourable Gentleman as deserving of censure. Conceiving, as he did, the great importance of the present question, not only as it affected Mr. Hastings, but as it affected our existence as a nation in India, (for if Mr. Hastings was condemned upon the grounds which the Right Honourable Gentleman had stated, adieu indeed to India,) he could not help viewing the decision of this night as one of the most momentous this House could come to, and as absolutely decisive of the existence of the British Empire in India. Such, he was confident, it would prove.

Mr. *Vanfittart* said, proper allowances ought to be made for the custom of the East Indies, where it was no uncommon thing for a Zemindar to be arrested [a laugh].

Mr. *Grenville* differed from Mr. Pitt in like manner that Lord Mulgrave had done, and defended the conduct of Mr. Hastings, declaring that, as an honest man, he could not vote for the Resolution.

The *Attorney General* was sorry to differ from his Right Honourable friend, but he could not agree to go the length of an impeachment, and, unless the present resolution was followed by an impeachment, he saw no use in voting it. Mr. *Attorney* reminded the House, that in setting off he had expressly stated, that if he voted any one of the charges to contain

tain matter of impeachment, he would follow that with a vote for an impeachment. He justified the calling upon Zemindars and vassals for contribution when the state required it; and declared, that let them talk of nuzzerannees and free-gifts as much as they pleased, he believed none were given voluntarily. Mr. Attorney said farther, that, if a part of Mr. Fox's speech were true to the great extent that he had carried it, Mr. Hastings, instead of deserving impeachment, would deserve a halter; but as he did not believe the argument in its extent, although he was free to own Mr. Hastings had gone a great way with his power, he could not consent to vote the present resolution, not being at all prepared to impeach.

Mr. Powys. Mr. *Powys* expressed his satisfaction at having heard so honourable and manly an argument from the Right Honourable Gentleman at the head of the Exchequer; a more fair and satisfactory one had scarcely ever been delivered within those walls. He could not however but lament, that the Right Honourable Gentleman should be left alone, that he should be deserted by his friends, and that two of the Ministers for India should have argued against the resolution, and held sentiments so repugnant to those professed by the Right Honourable Gentleman. Mr. *Powys* said, the two Ministers for India had virtually avowed that political expediency sanctified injustice, a maxim that he could not accede to. He just touched upon the attempt to fine Cheyt Sing, which he considered as a most arbitrary exertion of power, not to be defended in a British House of Commons.

Lord Mulgrave.

Lord *Mulgrave* rose with some warmth, and declared the Right Honourable Gentleman would not be fit to be Minister of the country for a single day, if, upon a question of that nature, where the House were sitting as judges, he was to expect his friends were to sacrifice their opinions. His Lordship denied that he had said political expediency sanctified injustice.

Mr. *Grenville* also rose to repel the attack, as he called it, and said, he wondered the Honourable Gentleman should have been the man to have complained of the Minister's friends having deserted him.

Mr.

Mr. *Powys* said a few words in explanation.

Mr. *Powys*

The *Chancellor of the Exchequer* said, he lamented that there Mr. *Pitt*. should be any difference of opinion between him and his friends, but it was an honourable difference; not a difference about a principle, but about the application of a principle. He thought 50 lacks a most exorbitant fine, and his honourable and noble friends did not.

A short conversation took place after the strangers were desired to withdraw, between Sir Philip Jennings Clerk, Mr. Fox, &c. and the Committee divided,

Ayes	-	-	-	-	119
Noes	-	-	-	-	79

The resolution was therefore carried by a majority of forty.

After the House was resumed, Mr. *Fox* said, he should not Mr. *Fox*. be prepared to open any other charge himself in the course of the present session, but should be glad, if any of his honourable friends were ready with one, that they would say so.

Mr. *Burke* said, he would to-morrow state what his next Mr. *Burke*. charge would be, and he would move it next Wednesday. He at the same time gave notice, that on Friday he would move the facts relative to the Rohilla war, in the form of resolutions in the House.

The *Chancellor of the Exchequer* said, he must object to the Mr. *Pitt*. breaking in upon the course of a regular and important proceeding, in order to try the same person over again upon a charge respecting which the House had decided already.

Mr. *Burke* said, he had before given the same notice, and Mr. *Burke*. yet the Right Honourable Gentleman had not objected before: he contended that he was entitled to move the facts, which had not been before the House collectively at all. Mr. *Burke* took notice of Mr. *Pitt*'s having that day found as much fault as he could, both with his feelings, his diligence, and his charges; but as he had given him his vote, he said, he was thankful, and content to take the one with the other.

The House rose at ONE in the morning.

F I N I S.